(3)

(1)

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR

Single Bench

CIVIL REVISION NO. 17 /2005

APPLICANT:-

Basant Saraf
S/O- Ashok Saraf
Aged about 37 years
R/O- SadarRoad, Balodabazar
Police Station- Balodabazar
Distt- Raipur (C.G.)

VERSUS

NON APPLICANT:-

Mohan Gupta
S/O- Vishavanath Gupta
Aged about 39 years
R/O- Nehru Chowk, Balodabazar
Tahsil - Balodabazar
Distt- Balodabazar (C.G.)

P.R. No. 342/05
Presented by Shri L.N. Chandrakar
dated 21.02.05

CIVIL REVISION
UNDER SECTION 115 OF THE CIVIL PROCEDURE CODE 1908

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(16)

आदेश पत्रक

मामला क्रमांक ....CR...17/05 सन् **200**

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

22/03/2005

Shri Y.C.Sharma, counsel for the applicant.

Heard on admission.

The instant Civil Revision has been preferred by the applicant as he is aggrieved by the impugned judgment and decree dated 27/11/2004 passed by First Additional District Judge, Baloda Bazar in Civil Appeal No. 1-B/2004 and by which the suit of the non-applicant has been decreed. Since the valuation of the appeal passed against the applicant is Rs. 24,000/- and as per Section 102 of CPC no Second Appeal is maintainable when the subject matter relates to recovery of money not exceeding Rs. 25,000/- hence, the revision has been preferred.

Learned counsel for the applicant submits that from bare perusal of the impugned judgment and decree passed by the first Appellate Court and by which the findings of the trial Court has been reversed and the suit has been decreed, it is evident that while passing the decree, material evidence available on record has been ignored and the case has also been ignored that in the document of Ex.P.1, the amount of Rs. 24,000/- has been subsequently inserted which makes the documents doubtful. He further submits that the grievance of the defendant/applicant has not been considered by the first Appellate Court and the suit has been decreed only on the basis of the statement of the plaintiff and his witnesses relating upon the document of Ex.P.1.

I have heard learned counsel for the applicant on admission and I have gone through the impugned judgment and decree passed by the first Appellate Court and also through the judgment and decree passed by the trial Court and I am of the opinion that the suit has been decreed by the first Appellate Court on the basis of objective analysis and the material available on record and after analyzing the findings of the trial Court, there is no illegality or material

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक ....C.R...17/05 **सन् 200**

..... **विरुद्ध** .....

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	irregularity present in the impugned judgment and decree which requires interference under revisional jurisdiction. Accordingly, the revision is liable to be dismissed at the motion stage itself. In view of the above, I.A. No. 354/2005 stands disposed of. **Sd/-** **Dhirendra Mishra** **Judge**	